

### **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on page 11.

Claims 1, 2, 5, 15-17, 28, and 38 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-45 are now pending in this application.

### **DRAWINGS**

In section 1 of the Office Action, the Examiner objected to the drawings because reference character 24 was used to designate both spacers and buttons. Applicants have amended Figure 4 changing reference character 24 to reference character 23 to indicate spacers.

Paragraph [0037] has been amended to be consistent with the drawing change. Accordingly, Applicants respectfully request that the Examiner withdraw the drawing objection.

### **SPECIFICATIONS**

In section 2 of the Office Action, the Examiner objected to the disclosure because of an informality in paragraph [0044] in which the Examiner indicated that the phrase “to draw write, draw” should be rewritten as “to write, draw.” Applicants have amended paragraph [0044] in accordance with the Examiner’s suggestion. Applicants therefore request withdrawal of the objection to the disclosure.

### **CLAIM REJECTIONS – 35 U.S.C. § 102**

In Section 4 of the Office Action, the Examiner rejected claims 1, 2, 11, and 16 under 35 U.S.C. § 102(b) as being anticipated by Ashitomi et al. (U.S. Patent No. 5,216,411).

Applicants respectfully submit that Ashitomi et al. does not disclose, teach, or suggest “a display coupled to the computing device and separate from the cover.” The cover in Ashitomi et al. includes the display and the touch panel. Further, Applicants respectfully submit that Ashitomi et al. does not disclose, teach, or suggest that “the cover is movable from a first position in which the touch panel overlays the display to a second position in which the touch panel does not overlay the display and the cover does not comprise a display.” What is taught in Ashitomi et al. is a cover that includes a display with the cover being rotatable to a different position along with the display. Applicants have claimed a cover that is movable from a position in which the touch panel overlays the display to another position in which the touch panel does not overlay the display and further that the cover does not comprise the display. Accordingly, independent claim 1, as amended, is not anticipated by Ashitomi et al. Further, claims 2, 11, and 16 which depend from independent claim 1 are also not anticipated by Ashitomi et al.

In Section 8 of the Office Action, the Examiner rejected claims 1, 5, 8, 9, and 14 under 35 U.S.C. § 102(e) as being anticipated by Moon (U.S. Patent No. 6,567,137). Applicants respectfully submit that independent claim 1 has been amended to restate “the cover comprising a touch panel.” Applicants respectfully submit that Moon does not disclose a cover comprising a touch panel. Accordingly, independent claim 1 and claims 5, 8, 9, and 14 which depend from claim 1 are not anticipated by Moon.

In Section 13 of the Office Action, the Examiner rejected claims 1, 3, 4, 17-19, 28, 31, 32, and 38 under 35 U.S.C. § 102(e) as being anticipated by Takahashi (U.S. Patent No. 6,662,244). In regards to independent claim 1, Takahashi does not disclose, teach, or suggest “a cover which is movable from a first position in which the touch panel overlays the display of the computing device to a second position in which the touch panel does not overlay the display and the cover does not comprise the display.” What is taught in Takahashi is a display for a computing device having a second display which is formed in a rotatable cover, the display in the rotatable cover has a touch panel. The touch panel is used when the cover is in the open position. What is not taught by Takahashi is a cover having only a touch panel and the touch panel configured to overlay the display when in the closed position, the cover not comprising the display itself. Applicants claimed configuration provides the use of a touch panel at the user’s option and also lets the user rotate the touch panel out of the way. Further, the touch panel is

useable as a cover. Accordingly, independent claim 1 and its respective dependent claims are not anticipated by Takahashi.

With regard to independent claim 17, Takahashi does not disclose, teach, or suggest a cover for a portable electronic device that includes a touch panel and a lighting system and is configured to illuminate a display which is separate from the cover when the cover is positioned proximate the display. The cover in Takahashi is not configured as a lighting system that is designed to illuminate the display when the cover is in the closed position. Further, Takahashi does not disclose, teach, or suggest that the frame may be moved from a first position where the touch panel overlays the display to a second position in which the touch panel does not overlay the display and the cover does not comprise the display. The cover in Takahashi comprises a display whereas the cover of claim 17 does not comprise the display. The device in Takahashi therefore requires redundant displays or multiple displays be incorporated into the device which is not preferable from a cost perspective. Accordingly, independent claim 17 and its respective dependent claims are not anticipated by Takahashi.

With regard to independent claim 28, Takahashi does not disclose, teach, or suggest a portable electronic device having a cover where the cover does not comprise the display. The cover shown in Takahashi comprises a touch screen with an LCD display and therefore does not teach the subject matter recited in independent claim 28. Accordingly, independent claim 28 and its respective dependent claims are therefore not anticipated by Takahashi.

With regard to independent claim 38, as amended, independent claim 38 is directed to a method for using a portable electronic device. The portable device has a cover that does not include the display and the cover may be moved out of the way of the display. The cover comprises a touch panel and a lighting assembly. The cover in Takahashi includes a display and does not include a lighting assembly that illuminates a portion of the display, the display not being a part of the cover. The display in one of the displays in Takahashi is incorporated into the cover, having the touch panel. Accordingly, Applicants respectfully submit that independent claim 38 and its respective dependent claims are not anticipated by Takahashi.

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Applicants respectfully submit that the for the reasons presented above, independent claims 1, 17, 28, and 38, as amended, are in condition for allowance. Further, claims depending from independent claims 1, 17, 28, and 38 are also allowable.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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